Court No.2.

Writ Petition No. 920(M/B) of 2001 (M/B)

Peoples Union for Civil Liberties,
U.P. Branch …….. Petitioner
Vs.
Union of India and others …….. Respondents
…….

Writ Petition No. 22(MB) of 2002 (M/B)

Peoples Union for Civil Liberties,
U.P. Branch …….. Petitioner
Vs.
Union of India and others …….. Respondents
…….

Writ Petition No. 160(M/B) of 2002 (M/B)

Dinesh Chandra Balodhi …… Petitioner
Vs.
State of Uttaranchal and others……. Respondents
…….

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

All the aforesaid three petitions are interconnected, therefore, they are being disposed of together.

These writ petitions have been filed (i) seeking a writ in the nature of mandamus commanding the Union of India to fulfil its obligation under Article 355 of the Constitution and to assume to itself all the functions of the State of Uttaranchal by dismissing the present Government in order to fulfil the obligation of bringing into existence the Panchayats in rural and urban areas as envisaged in Part IX and Part IX-A of the Constitution of India;(ii) to issue a direction in the nature of mandamus commanding the Union of India to give proper direction to the present State Election Commission or to appoint a newly State Election Commission after dismissing the present one to start the exercise of preparation of electoral roll, delimitation of wards and other exercise to conduct election of Panchayat, and commanding the Election Commission of India to stop the process of election of the State Assembly forthwith, so that the President of India and the parliament may first bring the Panchayats into existence in accordance with Par IX and Part IX-A of the Constitution of India by

making laws as required under Article 243-G and Article 243-W, and reorganize the Panchayats at various levels and prepare the electoral roll for Gram Panchayats, Kshetra Panchayats and Zila Panchayats and (iii) direction in the nature of mandamus commanding the Union of India to make appropriate legislation through Parliament to reorganize Panchayats in Rural and Urban areas according to local geographical, cultural and other relevant factors of the region; and commanding respondents to hold the election of the State Assembly only after Panchayats are constituted in the State of Uttaranchal in accordance with Part IX and IX-A of the Constitution of India.

So far as the first two reliefs are concerned, they have become infructuous as the elections have already been held.

With regard to the third relief, it is settled law that no mandamus can be issued to the legislature to enact a particular law in a particular manner, therefore, third relief prayed for is also refused.

In view of the above, all the aforesaid writ petitions are dismissed.

(P.C. Verma, A.C.J.) **(Irshad Hussain, J.)**

Dt. 06.6.2003

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